

REMARKS

Claims 18-34 are pending in the present application. Claims 1-17 have been canceled.

THE REJECTIONS UNDER 35 U.S.C. § 112:

Claims 1-34 were “rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” (July 26, 2005 Office Action, Page 2). Applicants traverse.

Claims 1-17 have been canceled. Claim 18 and thereby claims 19-34, which depend from Claim 18, provide methods for treating sleep disorders. The specification as originally filed states that the compounds of the present application enhance “slow wave sleep” and produce “an increase in vigilance level and motor activity”. (Page 4, line 26 to page 5 line 14 of the specification as originally filed). Thus, the compounds of the present application can be used to treat opposites (e.g. sleeplessness and narcolepsy). In view of these comments, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

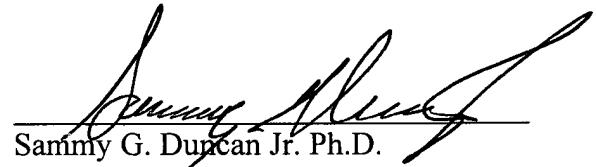
Claims 1-34 were “rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for treating addictive behavior and sleep disorders generally.” (July 26, 2005 Office Action, Page 4). Applicants traverse.

Claims 1-17 have been canceled. Applicants have amended Claim 18 and thereby claims 19-34, which depend from Claim 18, to provide methods for treating sleep disorders. The specification as originally filed states that the compounds of the present application enhance “slow wave sleep” and produce “an increase in vigilance level and motor activity”. (Page 4, line 26 to page 5 line 14 of the specification as originally filed). Thus, the compounds of the present application can be used to treat opposites (e.g. sleeplessness and narcolepsy). In view of these comments, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

CONCLUSION

No fee is believed due for the filing of this Amendment; however, should any fee be found to be due please charge said fee to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. In view of the foregoing, applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,



Sammy G. Duncan Jr. Ph.D.  
Attorney for Applicants  
Reg. No. 46,675

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-6270

Date: September 26, 2005